

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Olene S Walker Building

Room 101 North

9:00 a.m.

November 28, 2018

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Chad Tengler, Real Estate Analyst
Elizabeth Harris, Assistant Attorney General
Stephen Gillies, Assistant Attorney General
Amber Nielsen, Board Secretary
Kendelle Christiansen, Education Coordinator
Lark Martinez, Division Staff
Desha Pages, Division Staff

BOARD MEMBERS PRESENT:

John Ulibarri, Chair
Jeffrey T. Morley, Vice Chair
Jim Bringhurst, Board Member
Keven Ewell, Board Member

PUBLIC MEMBERS PRESENT:

Jared Preisler	Tamara Melling
Matt Hone	Ryan Nord
Rick Lifferth	Craig Morley*

*Appeared via telephone

The November 28, 2018 meeting of the Appraiser Licensing and Certification Board began at 9:03 a.m. with Chair Ulibarri conducting. Board Member Sloan was absent from the meeting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes –

A motion was made and seconded to approve the October 24, 2018 minutes as written. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Ewell, yes. The motion passes.

There was not a quorum available to vote on the October 26, 2018 minutes.
Public Comment Period – There was no public comment made.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported a copy of the legislative draft was sent to the Board this morning and was sent to the Office of Legislative Research for review. He noted there was an addition to the draft which adds citation authority for failing to respond to the Division timely. This mirrors authority in the mortgage and real estate industry. The only other legislation for appraisers deals with RAP Back. He noted that the draft can still be changed.

Director Stewart presented language which was sent by Craig Morley and drafted by Mr. Barney regarding an exception which would allow appraisers to perform evaluations. Mr. Fagergren reported this was discussed at the AARO Conference. He outlined the current exemptions and allowances for performing an evaluation. Mr. Fagergren cautioned that the exemption may allow other individuals who are unqualified to render appraisals. Mr. Craig Morley stated virtually all evaluations are being done by non-appraisers. He stated as the rules are written now, he cannot perform an evaluation without being required to call it an appraisal. There was continued discussion on what is allowed currently and what potential ramifications of the proposed change might be. Chair Ulibarri called for a Board consensus on how to proceed. Vice Chair Morley asked the Board what they are okay with and if they have concerns with the language. He asked if there should be a stricter definition of what the change is allowing. Chair Ulibarri noted there was a similar exemption granted for appeal evaluations. Mr. Fagergren stated he just want to the Board to be sure of what they are trying to accomplish. Board Member Ewell would like more time to consider the language before making a recommendation. The Board agreed to continue the discussion at the next meeting.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in October the Division received 1 complaint; opened 0 new cases; closed 0 cases; leaving 21 appraisal cases open with the Division. There are a total of 2 cases now with the AG's office.

Ms. Wright had no stipulations for consideration to present.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren opened the floor to Jared Preisler to briefly present his proposed continuing education course. The Board had no concerns the course outline and directed the Division to make the final decision.

Mr. Fagergren noted there has been a growth in the number of appraisers.

Mr. Fagergren presented lists of individuals who were approved for licensing by the Division since the last meeting.

Mr. Fagergren presented the application for Appraisal Nation, an AMC, for consideration due to some disclosures of concern on their application.

A brief recess was held from 10:03 a.m. to 10:09 a.m.

The meeting continued at 10:09 a.m. with Vice Chair Morley conducting for the Experience Review Hearing in the Matter of the Application of Matt Hone to sit for the Certified Residential Appraiser Examination. Chair Ulibarri recused himself from this matter.

INFORMAL HEARING:

10:10 a.m. Matt Hone, Applicant

The hearing for Mr. Hone concluded at 10:41 a.m.

The meeting continued at 10:41 a.m. with Chair Ulibarri conducting for the remainder of the meeting.

BOARD AND INDUSTRY ISSUES

Mr. Barney reported the AMC Rule Amendment finished the public comment period and received three comments which were given to the Board prior to the meeting. He presented the public comments and noted this was below the number of comments which would require a rule hearing. The Board discussed the comments. A motion was made and seconded to approve the rule as written. A friendly amendment was made to make the effective date of the rule November 5, 2018. The amended motion was seconded. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Ewell, yes. The motion passes.

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Ewell, yes. The motion passes

CLOSED TO PUBLIC

An Executive Session was held from approximately 10:44 a.m. to 10:50 a.m.

OPEN TO PUBLIC

RESULTS OF EXECUTIVE SESSION

AMC Rule Amendment- Approved

Mr. Hone will be notified of the Board's decision.

A motion was made and seconded to adjourn the meeting. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Ewell, yes. The motion passes. The meeting adjourned at approximately 10:51 a.m.